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EXAMINER

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ART UNIT PAPER NUMBER

2688

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/086,193

Applicant(s)

STEELBERG ET AL.

Examiner

Sharad Rampuria

Art Unit

2688

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

I. The current office-action is in response to the application filed on 10/11/05.

Accordingly, Claims 1-30 are pending for further examination as follows:

***Claim Rejections - 35 USC § 103***

II. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

III. Claims 1-3, 6, 9-10, 15-16, 19, 22-23, & 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paulsen [US 6628939] and Tendler [US 6778820] further in view of Paravia et al. [US 6508710].

Regarding claim 1, Paulsen disclose an electronic gaming system for enabling one or more player devices (20; fig.3) disposed at locations remote from a gaming source (70; fig.3), the devices receiving communications from the gaming source (Col.1; 65-Col.2; 7), the gaming system comprising:

At least one player device disposed at a first location, the player device including electronic game play means for enabling a player to make a wager by inputting wager data; (Col.8; 65-Col.9-11)

Paulsen fails to disclose the player device is placed in condition to receive said activation signal by the device's first location being within a bounded authorized area. However, Tendler teaches in an analogous art, that an RF sub-carrier broadcast station, the station communicating game play signals developed by the gaming source; (20; fig.1; Col.3; 31-38)

Wherein the player device is placed in condition to receive said activation signal by the device's first location being within a bounded authorized area. (Col.3; 66-Col.4; 5) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the player device is placed in condition to receive said activation signal by the device's first location being within a bounded authorized area in order to provide a method for assuring that a telephone wager is placed within the wagering jurisdiction.

*Also*, the above combination doesn't teach expressly, commence game play by causing an activation signal to be received and processed. However, Paravia teaches in an analogous art, that to commence game play by causing an activation signal to be received and processed; (Col.20; 9-22) wherein the player device is placed in condition to receive said activation signal

Art Unit: 2688

by the device's first location being within a bounded authorized area. (Col.19; 63-Col.20; 2)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include commence game play by causing an activation signal to be received and processed in order to provide a method of interactive gaming system to the authorized players based on their location verification.

Regarding claim 2, Paulsen disclose an electronic gaming system according to claim 1, wherein the player device further comprises:

An RF receiver configured to receive RF sub-carrier signals from the broadcast station; (42; fig.1; Col.3; 41-51)

A microprocessor coupled to operate in cooperation with the RF receiver; (52; fig.2; Col.4; 28-44) and

Game software, hosted on the microprocessor, the game software developing electronic data for driving a display means for generating graphical images depicting game play. (52; fig.2; Col.4; 28-44)

Regarding claim 3, Paulsen disclose an electronic gaming system according to claim 2, the player device further comprising: a persistent memory store, the memory store containing data elements defining bounded authorized areas within which the player device is activated upon receipt of the activation signal. (fence; Col.9; 28-47)

Paulsen doesn't disclose inherently an integrated circuit GPS receiver. However, Tendler teaches in an analogous art, that an integrated circuit GPS receiver (14; fig.1; Col.4; 19-34)

Art Unit: 2688

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include an integrated circuit GPS receiver in order to provide accurate location of the device.

Regarding claim 6, Paulsen discloses all the particulars of the claim except the bounded authorized areas define geographical locations where gaming is permitted. However, Tendler teaches in an analogous art, that an electronic gaming system according to claim 5, wherein the bounded authorized areas define geographical locations where gaming is permitted, the memory store data elements corresponding to said permitted geographical locations. (Col.4; 6-34)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the bounded authorized areas define geographical locations where gaming is permitted in order to provide a method for assuring that a telephone wager is placed within the wagering jurisdiction.

Regarding claim 9, Paulsen discloses all the particulars of the claim except the bounded authorized areas define geographical locations where gaming is permitted, the memory store data elements corresponding to said permitted geographical locations. However, Tendler teaches in an analogous art, that An electronic gaming system according to claim 8, wherein the bounded authorized areas define geographical locations where gaming is permitted, the memory store data elements corresponding to said permitted geographical locations. (Col.4; 6-34) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the bounded authorized areas define geographical locations where gaming is permitted, the memory

Art Unit: 2688

store data elements corresponding to said permitted geographical locations in order to provide a method for assuring that a telephone wager is placed within the wagering jurisdiction.

Regarding claim 10, Paulsen discloses all the particulars of the claim except a player device GPS location is compared to the permitted geographical locations contained in the memory store. However, Tendler teaches in an analogous art, that An electronic gaming system according to claim 9, wherein a player device GPS location is compared to the permitted geographical locations contained in the memory store, the player device put in an active condition for game play in the event of the GPS location and a permitted location forming an included set. (Col.4; 6-34) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a player device GPS location is compared to the permitted geographical locations contained in the memory store in order to provide a method for assuring that a telephone wager is placed within the wagering jurisdiction.

Regarding claim 15, Paulsen disclose a method for electronic gaming at locations remote from a gaming source (Col.1; 65-Col.2; 7), the method comprising:

Establishing a broadcast station, the station broadcasting game play data in accordance with instructions received from a gaming source; (Col.5; 45-65)

Providing a remote player device, the player device receiving game play data from the broadcast station, the player device executing game play software under microprocessor operational control; (Col.4; 29-44)

Paulsen fails to disclose the device is placed in condition to receive game play data if an established physical location corresponds to an authorized gaming area. However, Tendler teaches in an analogous art, that providing a location determination system, the location determination system establishing a physical location of the player device (Col.3; 66-Col.4; 5); and wherein the device is placed in condition to receive game play data if an established physical location corresponds to an authorized gaming area. (Col.4; 6-34) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the device is placed in condition to receive game play data if an established physical location corresponds to an authorized gaming area in order to provide a method for assuring that a telephone wager is placed within the wagering jurisdiction.

*Also*, the above combination doesn't teach expressly, wherein the device is placed in condition to receive game play data if an established physical location corresponds to an authorized gaming area. However, Paravia teaches in an analogous art, that wherein the device is placed in condition to receive game play data if an established physical location corresponds to an authorized gaming area. (Col.19; 63-Col.20; 2) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include wherein the device is placed in condition to receive game play data if an established physical location corresponds to an authorized gaming area in order to provide a method of interactive gaming system to the authorized players based on their location verification.



Regarding claim 16, Paulsen discloses all the particulars of the claim except an integrated circuit GPS receiver. However, Tendler teaches in an analogous art, that The method according to claim 15, further comprising:

Incorporating an integrated circuit GPS receiver in the player device (14; fig.1); and providing a persistent memory store, the memory store containing data elements defining bounded authorized areas within which the player device is placed in condition to receive game play data. (Col.4; 6-34) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include an integrated circuit GPS receiver in order to provide accurate location of the device.

Regarding claim 19, Paulsen disclose the method according to claim 18, wherein the bounded authorized areas define geographical locations where gaming is permitted, the memory store data elements corresponding to said permitted geographical locations. (fence; Col.9; 28-47)

Regarding claim 22, Paulsen discloses all the particulars of the claim except the bounded authorized areas define geographical locations where gaming is permitted, the memory store data elements corresponding to said permitted geographical locations. However, Tendler teaches in an analogous art, that the method according to claim 21, wherein the bounded authorized areas define geographical locations where gaming is permitted, the memory store data elements corresponding to said permitted geographical locations. (Col.4; 6-34) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the bounded authorized areas define geographical locations where gaming is permitted, the memory

Art Unit: 2688

store data elements corresponding to said permitted geographical locations in order to provide a method for assuring that a telephone wager is placed within the wagering jurisdiction.

Regarding claim 23, Paulsen discloses all the particulars of the claim except a player device GPS location is compared to the permitted geographical locations contained in the memory store. However, Tandler teaches in an analogous art, that The method according to claim 22, wherein a player device GPS location is compared to the permitted geographical locations contained in the memory store, the player device put in an active condition for game play in the event of the GPS location and a permitted location forming an included set. (Col.4; 6-34) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a player device GPS location is compared to the permitted geographical locations contained in the memory store in order to provide a method for assuring that a telephone wager is placed within the wagering jurisdiction.

Regarding claim 25, Paulsen discloses The method according to claim 16, further comprising:

Registering the player device with a network node authority, a user inputting at least a unique device serial number and a personal identification code; (Col.7; 4-15)

Establishing a credit balance, the credit balance contained within the device's persistent memory store. (Col.8; 23-40) and

Paulsen doesn't disclose inherently activating the device for use by receiving a signal over an RF sub-carrier channel. However, Tandler teaches in an analogous art, that activating the

Art Unit: 2688

device for use by receiving a signal over an RF sub-carrier channel; (Col.4; 6-34) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include activating the device for use by receiving a signal over an RF sub-carrier channel in order to provide a method for assuring that a telephone wager is placed within the wagering jurisdiction.

Regarding claim 26, Paulsen discloses all the particulars of the claim except placing the device in condition to operate when the determined location corresponds to an authorized gaming location. However, Tendler teaches in an analogous art, that The method according to claim 25, further comprising: determining a physical location of a player device; comparing the determined location to at least one of a multiplicity of authorized gaming locations; and placing the device in condition to operate when the determined location corresponds to an authorized gaming location. (Col.4; 6-34) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include placing the device in condition to operate when the determined location corresponds to an authorized gaming location in order to provide a method for assuring that a telephone wager is placed within the wagering jurisdiction.

IV. Claims 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paulsen & Tendler further in view of Walker et al. [US 6527638] (hereinafter Walker).

Regarding claim 27, the above combination discloses all the particulars of the claim except receiving game play data by the plurality of player devices; and processing the game play data in each device of the plurality by mathematical combination of the game play data with each

Art Unit: 2688

device's unique serial number so as to generate uniquely random game play data for each device of the plurality. However, Walker teaches in an analogous art, that The method according to claim 26, further comprising: broadcasting game play data to a plurality of player devices in simultaneous fashion; receiving game play data by the plurality of player devices; and processing the game play data in each device of the plurality by mathematical combination of the game play data with each device's unique serial number so as to generate uniquely random game play data for each device of the plurality. (Col.5; 43-50 & Col.19; 2-28) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include receiving game play data by the plurality of player devices; and processing the game play data in each device of the plurality by mathematical combination of the game play data with each device's unique serial number so as to generate uniquely random game play data for each device of the plurality in order to provide a remote gaming system by which a player can wager on any one of a plurality of games.

Regarding claim 28, the above combination discloses all the particulars of the claim except recording a wager result for each device of the plurality, for each set of game play data; and calculating an increment or decrement to the credit balance stored on each device of the plurality. However, Walker teaches in an analogous art, that The method according to claim 27, further comprising: recording a wager result for each device of the plurality, for each set of game play data; and calculating an increment or decrement to the credit balance stored on each device of the plurality. (Col.5; 43-50 & Col.19; 2-28) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include recording a wager result for each

Art Unit: 2688

device of the plurality, for each set of game play data; and calculating an increment or decrement to the credit balance stored on each device of the plurality in order to provide a remote gaming system by which a player can wager on any one of a plurality of games.

Regarding claim 29, the above combination discloses all the particulars of the claim except settling a final credit balance stored on a device. However, Walker teaches in an analogous art, that the method according to claim 28, further comprising: verifying an authorization to use a device; and settling a final credit balance stored on a device. (Col.5; 43-50 & Col.19; 2-28) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include settling a final credit balance stored on a device in order to provide a remote gaming system by which a player can wager on any one of a plurality of games.

Regarding claim 30, the above combination discloses all the particulars of the claim except the settling step includes crediting a user account when a final credit balance is positive. However, Walker teaches in an analogous art, that the method according to claim 29, wherein the settling step includes crediting a user account when a final credit balance is positive and, wherein the settling step includes debiting a user account when a final credit balance is negative. (Col.5; 43-50 & Col.19; 2-28) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the settling step includes crediting a user account when a final credit balance is positive in order to provide a remote gaming system by which a player can wager on any one of a plurality of games.

V. Claims 4-5, 7-8, 17-18 & 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paulsen & Tendler, Paravia further in view of Clapper [US 20020168967] (hereinafter Clapper).

Regarding claim 4, the above combination discloses all the particulars of the claim except a radio frequency triangulation telemetry tracking system. However, Clapper teaches in an analogous art, that an electronic gaming system according to claim 2, the player device further comprising: a radio frequency triangulation telemetry tracking system; and a persistent memory store, the memory store containing data elements defining bounded authorized areas within which the player device is activated upon receipt of the activation signal. (pg.2; 0022) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a radio frequency triangulation telemetry tracking system in order to provide a distinctive technology to find the mobile device.

Regarding claim 5, the above combination discloses all the particulars of the claim except a radio frequency triangulation telemetry tracking system. However, Clapper teaches in an analogous art, that an electronic gaming system according to claim 4, wherein radio frequency triangulation telemetry tracking data is received by RF sub-carrier signals issued from the broadcast station, the player device forming thereby an RFTTT derived location. (pg.2; 0022) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a radio frequency triangulation telemetry tracking system in order to provide a distinctive technology to find the mobile device.

Regarding claim 7, the above combination discloses all the particulars of the claim except the RFTTT. However, Clapper teaches in an analogous art, that an electronic gaming system according to claim 6, wherein a player device RFTTT location is compared to the permitted geographical locations contained in the memory store, the player device put in an active condition for game play in the event of the RFTTT location and a permitted location forming an included set. (pg.2; 0022) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the RFTTT in order to provide a distinctive technology to find the mobile device.

Regarding claim 8, the above combination discloses all the particulars of the claim except GPS differential correction signal data is received by RF sub-carrier signals issued from the broadcast station. However, Clapper teaches in an analogous art, that an electronic gaming system according to claim 3, wherein GPS differential correction signal data is received by RF sub-carrier signals issued from the broadcast station. (pg.2; 0022) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include GPS differential correction signal data is received by RF sub-carrier signals issued from the broadcast station in order to provide a distinctive technology to find the mobile device.

Regarding claim 17, the above combination discloses all the particulars of the claim except a radio frequency triangulation telemetry tracking system. However, Clapper teaches in an analogous art, that the method according to claim 16, further comprising: incorporating a

Art Unit: 2688

radio frequency triangulation telemetry tracking system in the player device; and providing a persistent memory store, the memory store containing data elements defining bounded authorized areas within which the player device is placed in condition to receive game play data. (pg.2; 0022) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a radio frequency triangulation telemetry tracking system in order to provide a distinctive technology to find the mobile device.

Regarding claim 18, the above combination discloses all the particulars of the claim except the RFTTT. However, Clapper teaches in an analogous art, that The method according to claim 17, wherein radio frequency triangulation telemetry tracking data is received by RF sub-carrier signals issued from the broadcast station, the player device forming thereby an RFTTT derived location. (pg.2; 0022) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the RFTTT in order to provide a distinctive technology to find the mobile device.

Regarding claim 20, the above combination discloses all the particulars of the claim except the RFTTT. However, Clapper teaches in an analogous art, that The method according to claim 19, wherein a player device RFTTT location is compared to the permitted geographical locations contained in the memory store, the player device put in an active condition for game play in the event of the RFTTT location and a permitted location forming an included set. (pg.2; 0022) Therefore, it would have been obvious to one of ordinary skill in the art at the time of



Art Unit: 2688

invention to include the RFTTT in order to provide a distinctive technology to find the mobile device.

Regarding claim 21, the above combination discloses all the particulars of the claim except GPS differential correction signal data is received by RF sub-carrier signals issued from the broadcast station. However, Clapper teaches in an analogous art, that the method according to claim 16, wherein GPS differential correction signal data is received over RF sub-carrier signals issued from the broadcast station. (pg.2; 0022) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include GPS differential correction signal data is received by RF sub-carrier signals issued from the broadcast station in order to provide a distinctive technology to find the mobile device.

VI. Claims 11, 13 & 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paulsen & Tandler, Paravia further in view of Kotzin et al. [US 6470180] (hereinafter Kotzin).

Regarding claim 11, the above combination discloses all the particulars of the claim except the RF sub-carrier signals are broadcast on a band selected from the group consisting of an FM sub-carrier band, an AM sub-carrier band, a Television sub-carrier band, a satellite band, and a cellular band. However, Kotzin teaches in an analogous art, that An electronic gaming system according to claim 10, wherein the RF sub-carrier signals are broadcast on a band selected from the group consisting of an FM sub-carrier band, an AM sub-carrier band, a Television sub-carrier band, a satellite band, and a cellular band. (Col.3; 61-Col.4; 7) Therefore,

Art Unit: 2688

it would have been obvious to one of ordinary skill in the art at the time of invention to include the RF sub-carrier signals are broadcast on a band selected from the group consisting of an FM sub-carrier band, an AM sub-carrier band, a Television sub-carrier band, a satellite band, and a cellular band in order to exploits a broadcast system to enhance a wireless gaming experience.

Regarding claim 13, Paulsen disclose an electronic gaming system according to claim 12, wherein the player device is configured as a stand-alone purpose-built electronic gaming device. (20; fig.1; Col.10; 38-51)

Regarding claim 24, the above combination discloses all the particulars of the claim except the RF sub-carrier signals are broadcast on a band selected from the group consisting of an FM sub-carrier band, an AM sub-carrier band, a Television sub-carrier band, a satellite band, and a cellular band. However, Kotzin teaches in an analogous art, that The method according to claim 23, wherein the RF sub-carrier signals are broadcast on a band selected from the group consisting of an FM sub-carrier band, an AM sub-carrier band, a Television sub-carrier band, a satellite band, and a cellular band. (Col.3; 61-Col.4; 7) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the RF sub-carrier signals are broadcast on a band selected from the group consisting of an FM sub-carrier band, an AM sub-carrier band, a Television sub-carrier band, a satellite band, and a cellular band in order to exploits a broadcast system to enhance a wireless gaming experience.

VII. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Paulsen, Tendler, Paravia & Kotzin further in view of Thiriet [US 6650892] (hereinafter Thiriet).

Regarding claim 12, the above combination discloses all the particulars of the claim except the player device is configured as a smart card. However, Thiriet teaches in an analogous art, that an electronic gaming system according to claim 11, wherein the player device is configured as a smart card. (Col.1; 55-64 & Col.2; 54-63) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the player device is configured as a smart card in order to provide the capabilities available in a SIM card for executing computer game programs.

VIII. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kotzin and Tendler further in view of Paravia.

Regarding claim 14, Kotzin disclose a remote gaming device having a receiver programmed to accept radio signals broadcast at a frequency selected by a network node, the frequency residing within at least one of an FM sub-carrier band, an AM sub-carrier band, a Television sub-carrier band, a satellite band, and a cellular band, (Col.3; 61-Col.4; 7)

Kotzin fails to disclose the gaming device is activated for game play only when its physical location is within the gaming authorized region. However, Tendler teaches in an analogous art, that the gaming device further including location determination means for establishing whether the device is physically within a gaming authorized region, wherein the

Art Unit: 2688

gaming device is activated for game play only when its physical location is within the gaming authorized region. (Col.3; 66-Col.4; 34) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the gaming device is activated for game play only when its physical location is within the gaming authorized region in order to provide a method for assuring that a telephone wager is placed within the wagering jurisdiction.

*Also*, the above combination doesn't teach expressly, wherein the gaming device is activated for game play only when its physical location is within the gaming authorized region. However, Paravia teaches in an analogous art, that wherein the gaming device is activated for game play only when its physical location is within the gaming authorized region. (Col.19; 63-Col.20; 2) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include wherein the gaming device is activated for game play only when its physical location is within the gaming authorized region in order to provide a method of interactive gaming system to the authorized players based on their location verification.

### ***Response to Amendment***

IX. ***Applicant's arguments filed on 10/11/2005 have been fully considered but they are not persuasive.***

In comeback to applicant's disagreement that there is no implication to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the

Art Unit: 2688

knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, Paravia is intended for a system and method for providing an automated gaming service to one or more players. According to one aspect of the invention, the automated gaming system can be implemented in a computer-based environment allowing automated computation of wagers, payouts, and other parameters to enhance the gaming experience. According to yet another aspect of the invention, the automated gaming system can be implemented in an Internet or other network-type environment such that various players can access the automated gaming system from remote locations, thus establishing a virtual gaming environment (See Abstract, col.1; 61-col.2; 5), which is in the same field of endeavor as Kotzin and Tendler. Therefore, one skill in the art would recognize the combination of the above two references is appropriate.

In rejoinder to Applicant's dispute that Paravia doesn't edify, "commence game play by causing an activation signal to be received and processed;" it is noted that Paravia supports the assertion as; Next, at a decision step 1184, the operation verifies the player is an authorized location. In one embodiment the gaming system utilizes a location verification module to determine the location of the player. One method of determining player location is using ANI data such as Caller ID data to determine and evaluate the location of the calling party. (See col.21; lines 30-38) If the gaming server confirms the player identity, then the gaming server obtains the player gaming selections. This occurs at a step 1192 and in this embodiment occurs automatically, although in other embodiments it may occur manually after input from the player.

Art Unit: 2688

The player gaming selections comprise the wagering selections or choices made by the player.

For example, this data may comprise what team or individual to bet on, or the outcome of an event. (See col.21; lines 60-67) To obtain confirmation of the player actions, the player may optionally reconnect to the gaming server via the player interface. Hence, it is anticipated that the direct communication link with location verification is only made for placing a wager.

Therefore, in one hypothetical environment, a resident of a state that allows gaming can arrange desired betting selections via the Internet and the player interface. Once initiated, the location verification call-back process automatically calls back the player and officially places the bet.

The location verification process insures that the player is within the boundaries of a particular location, such as a state to comply with various laws and regulations. (See col.22; lines 20-33).

Hence, it is believed that Paravia teaches the claimed limitations.

For that reason, it is believed and as enlighten above, the rejections should be sustained.

### ***Conclusion***

**X. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 2688

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


XI. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870.

The examiner can normally be reached on M-F. (9-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or [EBC@uspto.gov](mailto:EBC@uspto.gov).

Sharad Rampuria  
Examiner  
Art Unit 2688

  
**GEORGE ENG**  
**PRIMARY EXAMINER**